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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

012138-0290479

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Application Number

10/053,571

Filed

January 24, 2002

First Named Inventor

MAGUIRE

Art Unit

1771

Examiner

Ruddock, Ula Corinna

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.
Registration number 44482☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

John P. Darling

Typed or printed name

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Telephone number

December 8, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket: 012138-0290479

Client Reference: 12NP



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

More PATENT APPLICATION of:
MAGUIRE

Confirmation Number: 3445

Application No.: 10/053,571

Group Art Unit: 1771

Filed: January 24, 2002

Examiner: Ruddock, Ula Corinna

Title: NO-TWIST FABRICATED FILTRATION SCREEN

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop Amendment
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Notice of Appeal filed herewith, and prior to the filing of an Appeal Brief, Applicant respectfully requests review of the following rejections: 1) claims 25, 29 and 31 under 35 U.S.C. § 102(b) over Mutzenberg et al. (U.S. Patent 4,250,172); 2) claims 33, 34, 36 and 37 under 35 U.S.C. § 102(b) over Sicard (U.S. Patent 3,674,154); and 3) claim 32 under 35 U.S.C. § 103(a) over Mutzenberg et al. in view of Sicard.

On page 3, paragraph number 5, of the September 8, 2005 Office Action, the Examiner alleges that Sicard discloses a second mesh layer in column 1, lines 60-63, and that the second mesh layer inherently has filaments extending in a first and second direction, and thus meets the limitation of claim 33 of one or more first reinforcing filaments produced by brazing and engaged with the second plurality of filaments to reinforce the second plurality of filaments in the first direction, and one or more second reinforcing filaments produced by brazing and engaged with the first plurality of filaments to reinforce the first plurality of filaments in the second direction.

As discussed on page 4 of the July 25, 2005 response, Sicard discloses an inner screen 12 that may be a rolled up sheet of woven wire mesh and an outer layer 14 of coarser and stronger perforated material. The layers 12 and 14 may be, and frequently are, bonded together by brazing or sintering and the longitudinal seams are usually secured by welding.

There is no disclosure or suggestion that the perforated outer layer 14 of Sicard has first and second filaments extending in first and second directions, respectively. The Examiner has also not presented any basis in fact and/or technical reasoning to support the conclusion that the perforated outer layer 14 necessarily includes first and second filaments extending in first and second directions, as required by MPEP § 2112.

Claim 33 also recites that the first and second reinforcing filaments are produced by brazing and engaged with the second plurality of filaments and the first plurality of filaments, respectively. Although Sicard discloses that the inner layer 12 and the outer layer 14 may be bonded together by brazing, there is no disclosure or suggestion that such bonding by brazing produces first and second reinforcing filaments extending in first and second directions, respectively, and engaged with the filaments of the inner screen 12 to reinforce the filaments of the inner screen 12. The Examiner has also not provided any basis in fact and/or technical reasoning to support the conclusion that such features are inherently disclosed by Sicard. Claim 36 recites that the first and second reinforcing elements are produced by welding. As discussed on page 4, last paragraph, of the July 25, 2005 response, Sicard merely discloses that the longitudinal seams of the inner layer 12 and the outer layer 14 are secured by welding. Sicard does not disclose or suggest first and second reinforcing filaments produced by welding and extending in first and second directions, respectively, and engaging second filaments and first filaments, respectively, of the inner layer 12. The Examiner has also not provided any basis in fact and/or technical reasoning to support the conclusion that Sicard's perforated layer 14 inherently or necessarily includes first and second filaments.

With respect to claim 25, on page 4, lines 6-11, of the September 8, 2005 Office Actions states: "Therefore, it is the Examiner's position that because Mutzenberg discloses adding one or more layers of scrim material, this anticipates Applicant's disclosure of a woven screen having woven reinforcing filaments. Furthermore, it should be noted that the Examiner is equating Mutzenberg's disclosure of intertwinement of the fibers of the various layers to Applicant's disclosure of the reinforcing filaments being woven with the woven first and second plurality of filaments."

It is respectfully submitted that the Examiner's equating of the one or more layers of scrim material suggested by Mutzenberg et al. does not anticipate claim 25. Claim 25 recites one or more first reinforcing filaments woven with the second plurality of filaments and one or more second reinforcing filaments woven with the first plurality of filaments.

Mutzenberg et al. disclose that each of their layers V of textile fibers are separated by layers S of granular agent. None of the filaments of the top layer V shown in Figure 1 of Mutzenberg et al. is woven with any of the filaments of the intermediate or bottom layers V. The three layers V of textile fibers shown in Figure 1 are separated by the layers S of granular material. Note also claim 1 of Mutzenberg et al. in which they claim their invention to be at least one layer of granular material located between at least two layers of fibrous material, wherein the layers of fibrous material are mechanically linked together by needling.

With respect to the intertwinement disclosed by Mutzenberg et al., as discussed on pages 5-6 of the July 25, 2005 response, the intertwinement of the layers Vo, Vm, and Vu by the needle penetration P does not correspond to the claimed one or more first reinforcing filaments woven with the second plurality of filaments and one or more second reinforcing filaments woven with the first plurality of filaments. Firstly, as previously argued, the layers V of textile fibers are partly unwoven, so that some of the fibers (i.e., the unwoven fibers) can be transported by needling through the layers S of granular agent and be interlocked to the other layers V. The needling operation is performed such that the seams N are in parallel rows at a distance A between the rows. As clearly shown in Fig. 2, the seams N extend in only one direction. The needling operation of Mutzenberg et al. clearly cannot correspond to first and second reinforcing filaments woven with second and first filaments extending in second and first directions, respectively.

With respect to claim 32, as neither Mutzenberg et al. nor Sicard disclose or suggest reinforcing filaments in a first direction and a second direction transverse to the first direction, the combination would fail to include all the limitations of claim 32 and would fail to present a *prima facie* case of obviousness.

Respectfully submitted,

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